

REMARKS/ARGUMENTS

In the Office Action mailed February 23, 2009, claims 1 – 11 were rejected. Additionally, claim 10 was objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have added claims 12 – 19. Applicants hereby requests reconsideration of the application in view of the new claims and the below-provided remarks.

Election

Claims 1 – 11 were subject to a restriction because the application allegedly contains the following inventions:

Group I, claims 1 – 10, drawn to a method of making a composition; and

Group II, claim 11, drawn to a device made from the composition.

Applicants affirm the election of Group I, claims 1 – 10, which was made by Aaron Waxler on January 15, 2009.

Allowable Subject Matter

Applicants appreciate the Examiner's review of and determination that claim 10 recites allowable subject matter. In particular, the Office Action states that claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicants have added new claim 12, which incorporates all of the limitations of claims 1, 6, 7, 9, and 10. Applicants have also added claims 13 – 17, which correspond to claims 2 – 5 and 8, respectively.

Additionally, Applicants have added new claim 18, which also incorporates all of the limitations of claims 1, 6, 7, 9, and 10, but new claim 18 is written as a method of manufacturing an electronic device as recited in claim 7. Applicants have also added claim 18, which corresponds to claim 8.

Claim Rejections under 35 U.S.C. 102 and 103

Claims 1 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hampden-Smith et al. (U.S. Pat. No. 5,894,064, hereinafter Hampden). Additionally, claims 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hampden. However, Applicants respectfully submit that these claims are patentable over Hampden for the reasons provided below.

Independent Claim 1

Claim 1 recites:

“A method of preparing a precursor solution for a crystalline layer comprising an oxide of lead, niobium and a third metal, comprising the steps of:

providing a first solution of a lead salt that is chelated with a macrocyclic compound having a cavity corresponding to the size of the lead-ion, in a solvent chosen from the group of alkoxyalcohols;

providing a second solution comprising niobium in the form of alcoholates; and

mixing the first and the second solution.” (emphasis added)

That is, the first solution is “in a solvent chosen from the group of alkoxyalcohols.” Applicants assert that Hampden does not disclose that the first solution is “in a solvent chosen from the group of alkoxyalcohols” as recited in claim 1.

With regard to claim 1, the Office action states:

“The first precursor metal can be can be in the form of metal salts such as formats (Col. 5, lines 20 – 22) which are subsequently complexed with a 18 crown 6 ether (Col. 5, lines 43 – 46) and the second precursor metal can be complexed with alkoxy groups which the Examiner construes as equivalent to alcoholates (Col. 3, lines 32 – 42).” (emphasis added) (Office action, page 5, item 8)

First, Applicants assert that the limitation that the first solution is “in a solvent chosen from the group of alkoxyalcohols” is not addressed in the Office action. The Office action does state that the first precursor metal can be complexed with 18-crown-6 ether (i.e., the macrocyclic compound recited in claim 1), however, the Office action does not address whether or not the metal salt complexed with 18-crown-6 ether is also “in a solvent chosen from the group of alkoxyalcohols.” Because the Office action does not address every limitation of claim 1, Applicants assert that claim 1 is not anticipated by

Hampden and that a *prima facie* case of obviousness has not been established with respect to claim 1.

Second, Applicants assert that Hampden does not disclose that the first solution is “in a solvent chosen from the group of alkoxyalcohols” as recited in claim 1. Hampden discloses that the first precursor has a general formula of AX, where A can include lead (see col. 2, line 51) and where X “comprises at least one first organic ligand coordinated to A having an empirical formula O₂CR, wherein R is preferably an alkyl, aryl, substituted alkyl or aryl, or halogenated hydrocarbon constituent,” (see col. 2, lines 56 – 59). Hampden also discloses that “[a] cyclic or acyclic multidentate organic coordinating compound, such as the cyclic polyethers 18-crown-6 and 15-crown-5 and acyclic polyether teraglyme, may be coordinated to A to prevent oligomerization of the first precursor and/or enhance its solubility,” (col. 3, lines 14 – 17). While Hampden discloses that “A” could be lead and that “X” could be a cyclic compound, Hampden does not disclose that the first precursor, AX, is “in a solvent chosen from the group of alkoxyalcohols” as recited in claim 1. Because Hampden does not disclose that the first precursor, AX, is “in a solvent chosen from the group of alkoxyalcohols” as recited in claim 1, Applicants assert that claim 1 is not anticipated by Hampden and that a *prima facie* case of obviousness has not been established with respect to claim 1.

Dependent Claims 2 – 9

Claims 2 – 9 are dependent on claim 1. Applicants respectfully assert that claims 1 – 9 are allowable at least based on an allowable claim 1.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the new claims and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/mark a. wilson/

Date: May 21, 2009

Mark A. Wilson

Reg. No. 43,994

Wilson & Ham
PMB: 348
2530 Berryessa Road
San Jose, CA 95132
Phone: (925) 249-1300
Fax: (925) 249-0111